

REMARKS

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claims 101 and 103 have been canceled. No new matter has been added herein.

As a preliminary matter, Applicants note that an Information Disclosure Statement was filed July 23, 2001, yet Applicants have not received an initialed and dated copy of the 1449 that had been filed with the Information Disclosure Statement. Applicants respectfully request that the Examiner return an initialed and dated copy of this 1449 with the next communication from the Office.

Applicants respectfully traverse the Examiner's rejection of claims 96 and 101-102 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-4 of U.S. Patent No. 5,702,373. As will be discussed hereinafter, the pending claims are entitled to an effective filing date at least as early as April 28, 1995, which actually predates the cited reference. As such, a Terminal Disclaimer over the cited reference means little in terms of patent term. Thus, in order to facilitate prosecution, an appropriate Terminal Disclaimer is filed herewith, thereby rendering the rejection moot. Applicants do not concede the correctness of the rejection.

Applicants respectfully traverse the Examiner's rejection of claims 96-98 and 101-103 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-3, 5-6, 9-10, 22-23 and 27-29 of U.S. Patent No. 6,143,013. As will be discussed, the pending claims claim priority through the cited reference and share an effective filing date with the cited reference. Again, a Terminal Disclaimer means little in terms of patent term. Thus, an

appropriate Terminal Disclaimer is filed herewith, thereby rendering the rejection moot. Applicants do not concede the correctness of the rejection.

Applicants respectfully traverse the Examiner's rejection of claim 101 under 35 U.S.C. § 112, second paragraph, as indefinite. Claim 101 has been canceled, thereby rendering the rejection moot. Applicants do not concede the correctness of the rejection.

Applicants respectfully traverse the Examiner's rejection of claims 96-103 under 35 U.S.C. § 102(b) as anticipated by Samson et al., U.S. Patent No, 5,891,112 (hereinafter Samson). Samson is a divisional of 08/430,445, which has subsequently become abandoned. The present application is a continuation of U.S. Patent No. 6,143,013 (application 08/641,259), which is itself a continuation-in-part of 08/430,445. Applicants have in the present application made and perfected a priority claim at least as far back as 08/430,445.

Applicants respectfully assert that the pending claims are fully supported in the specification of 08/430,445. Said specification should be identical to that of the cited reference Samson as the cited reference is a divisional thereof. Thus, the pending claims have an effective filing date at least as early as April 28, 1995. The pending application and Samson both claim priority back at least as far as 08/430,445 and thus share an effective filing date. Therefore, Samson is not available as prior art against the pending claims, and thus, the rejection should be withdrawn.

Applicants respectfully traverse the Examiner's rejection of claim 103 under 35 U.S.C. § 103(a) as unpatentable over Samson et al., U.S. Patent No. 5,891,112 (hereinafter Samson). Claim 103 has been canceled, thereby rendering the rejection moot. Moreover, as noted above, Samson is not available as prior art.

Favorable reconsideration is respectfully requested. Should the Examiner choose to further reject this application, Applicants respectfully note that such a rejection would have to be non-final. Applicants have merely canceled claims. No claims have otherwise been amended. Claim cancellations would not justify new grounds for rejection. As Sampson is unavailable as prior art, no art-based rejections exist. Thus, any Action in response to this Amendment, other than a Notice of Allowance, would have to be non-final.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims, namely claims 96-100 and 102, are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Gene Samson et al.

By their Attorney,



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